

REMARKS

In the Office Action dated March 22, 2005, claims 15-23, 25-31, and 34-36 were presented for examination. Claims 15-22 were rejected under 35 U.S.C. §112, first paragraph as being based on a disclosure which is not enabling. Claims 15-23, 25-31, and 34-36 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 5,922,144.

Applicant wishes to thank the Examiner for the careful and thorough review and action on the merits in this application. The following remarks are provided in support of the pending claims and responsive to the Office Action of March 22, 2005 for the pending application.

I. Rejection of claims 15-22 under 35 U.S.C. §112, first paragraph

In the Office Action dated March 22, 2005, the Examiner rejected claims 15-22 under 35 U.S.C. §112, first paragraph, as based on a disclosure which is not enabling. More specifically, the Examiner has indicated his desire for the term "two part tip cutting torch" to be placed in the claimed subject matter as it is his interpretation that this element is critical or essential to the practice of the invention. Applicant respectfully disagrees with the Examiner's position. Applicant has canceled claims 15-22 with the intention of pursuing patentability of the subject matter in these claims in a related application to be filed during the active status of the current pending application. Accordingly, Applicant's cancellation of claims 15-22 are not to be interpreted as an acquiescence with the position of the Examiner.


II. Rejection of claims 15-23, 25-31, and 34-36

In the Office Action dated March 22, 2005, the Examiner rejected claims 15-23, 25-31, and 34-36 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-7 of U.S. Patent No. 5,922,144. Applicant has enclosed herein a

Terminal Disclaimer to overcome the double patenting rejection. Accordingly, Applicant respectfully requests that the Examiner remove the double patenting rejection.

For the reasons outlined above, withdrawal of the rejection of record and an allowance of claims 23, 25-31, and 34-36 in this application are respectfully requested.

Respectfully submitted,

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Date: June 22, 2005